

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Writ Petition no. 381 (SS) 2005.

Jaya Nand Purohit S/o late Kulanand Purohit,
Foreman (Retired), Govt. Industrial Training Institute,
Karanprayag, District Chamoli,
Presently residing at A-11, Gagan Enclave,
Rohata Road, Meerut. Petitioner.

Versus

1. State of Uttaranchal, through Secretary Labour,
Govt. of Uttaranchal, Rajpur Road, Dehradun,
2. Director Training & Employment, Uttaranchal,
Haldwani, District Nainital,
3. Principal, Govt. Industrial Training Institute,
Karanprayag, District Chamoli,
4. Director, Accounts and Entitlement,
22 Laxmi Road, Dehradun, Uttaranchal,
5. Account General,
U.P. Allahabad. Respondents.

**Sri Pankaj Purohit, learned counsel for the petitioner,
Sri Subhash Upadhyay, learned Standing Counsel for the State of Uttaranchal/respondent nos. 1 to 3,
And learned Standing Counsel for Union of India.**

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Purohit, learned counsel for the
petitioner, Sri Subhash Upadhyay, learned Standing Counsel for
the State of Uttaranchal/respondent nos. 1 to 3 and learned
Standing Counsel for Union of India.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- i. Issue a writ, order or direction in the nature of mandamus commanding the respondents to make the payment of G.P.F. to the petitioner forthwith alongwith interest 12% per annum w.e.f. 01.11.2004.
- ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to make payment of interest @ 12% per annum on the amount of gratuity and commutation w.e.f. 01.11.2004 to 25.02.2005 for the delayed payment of which the respondents are responsible,
- iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay Rs. 1 Lac as compensation for the delay and harassment caused to the petitioner by the respondents by making the delayed payment of retrial benefits,
- iv. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case,
- v. Award the costs of the petition to the petitioner.

Petitioner has submitted that he was retired from the post of Foreman from Industrial Training Institute, Karanprayag on 31.10.2004 and has been paid the amount of Gratuity and 90% of the Provident Fund. The pension was granted on 28th January 2005, which was received by the petitioner on 22nd February 2005. The GPF was sanctioned by the respondent on 13th May 2005 which has been received by the petitioner on 17th June 2005. During the course of arguments, learned counsel for the petitioner has submitted that the respondents may be directed to pay interest on the amount of G.P.F. and pension which was withheld by them and paid much after his retirement. The petitioner was retired on 31st October 2004 and

the pension was granted to him on 28th January 2005. The amount of the G.P.F. was received by the petitioner on 17th June 2005.

A counter affidavit has been filed by the respondents. The delay has been explained by the respondents in making payment of pension after about three months and the amount of 90% of G.P.F. after about six months.

On the other hand there were latches on the part of the petitioner also as the Pass-Book was incomplete which was sent to the ITI, Meerut where the petitioner rendered his services and the Principal of the Meerut ITI has sent the papers back and thereafter the G.P.F. was sanctioned to the petitioner. Similar is the position in regard to the pension. I am satisfied that there is no undue delay on the part of the respondents and the delay, if any, was not deliberate in sanctioning the pension and 90% of the amount of G.P.F.

So far the 10% amount of the balance G.P.F. is concerned, learned counsel for the petitioner has submitted that till date the said 10% amount has not been paid, though the petitioner was retired from his services w.e.f. 30th October 2004. More than two years have been passed, but 10% amount has yet not been released by the respondents.

In the circumstances mentioned above, I direct the respondent no. 4 i.e. Director, Accounts and Entitlement, Dehradun to make payment of balance 10% of the G.P.F. to the petitioner alongwith interest @ 8% thereon within a period of three months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 8, 2006:
NCM: